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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Customer No.: 49442
Wolfgang Stahle, et al.)
Application No.: 10/577,033) Confirmation No.: 9140
Filed: April 24, 2006) Group Art Unit: 1609
) Examiner: Noble E. Jarrell

For: BENZIMIDAZOLYL DERIVATIVES

RESPONSE TO RESTRICTION REQUIREMENT

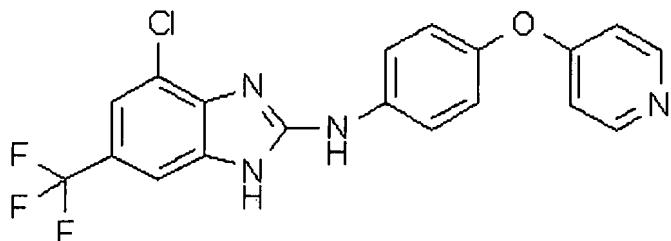
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: July 25, 2007

Sir:

In response to the restriction requirement in the Office Action dated June 26, 2007,
Applicants hereby, with traverse elect Group I , claims 1-9, 11 and 25-26.

With respect to the election of species, Applicants elect the following species (see
compound 14, page 38 of the specification.)



(4-Chloro-6-trifluoromethyl-1H-benzimidazol-2-yl)[4-(pyridin-4-yloxy)-phenyl]amine

The elected species reads on claims 1-14 and 17-36.

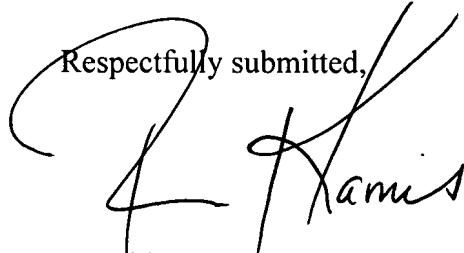
Applicants note that upon a finding that the elected species is allowable, the Examiner is required to search additional species. Further, Applicants note that non-elected claims for making or using are required to be rejoined upon allowance of compound claims.

Applicants do not contest the Examiner's evaluation that the Groups are patentably distinct. However, Applicants traverse the restriction because the search of more than one Group would not place an undue burden on the Examiner to search additional groups.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.8.

Respectfully submitted,



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